

Date: Thu, 12 May 94 04:30:09 PDT
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V94 #200
To: Ham-Policy

Ham-Policy Digest Thu, 12 May 94 Volume 94 : Issue 200

Today's Topics:

 [NEWS] FCC Gets New Weapon
 Code test speeds
 Music allowed on ham bands?? (2 msgs)

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>
Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: 11 May 94 21:01:55 GMT
From: news-mail-gateway@ucsd.edu
Subject: [NEWS] FCC Gets New Weapon
To: ham-policy@ucsd.edu

Hello folks,

I 've been reading all the correspondence about the dealer's obligation to
inform purchaser etc and I've simply wondered :

Do people really believe that this sort of thing is necessary? Are there any
real, living human beings that are *for* the Big Brother?

Give me a break gentlemen, I lived in US of A and I know that there are a lot
of people who are eagerly trying to deprive you of some very old rights you
had (guns used to be free, in US, now you have to wait one week to buy a
pistol to protect your family from the local lunatic, who of course can get a
gun anytime he likes), but don't you ever wonder what will happen if half of
earth's population is monitoring what the other half is doing?

In order for the purchaser to be informed, we hold the poor seller liable, in order for the seller to be informed, we hold the shop owner liable, in order for the shop owner to be informed we hold the regional FCC coordinator liable (or maybe the local Sheriff) etc etc. Isn't that a bit odd?

I remember the first time I drove a US car. The bloody thing was beeping every time you shifted in reverse, open you door, leave your lights on with the engine stopped, forgot to put on your seat belt, open your trunk with the engine on etc. Sometimes I read American books, which in every empty page have a line saying "This page was intentionally left blank". Why do American people need so much protection?

Baby sitters are for kids, not grown-ups.

I really feel sorry for anybody, who hasn't the guts to admit that FREEDOM is the matter here. What is the gain, if the salesman is obliged to say the customer that he needs a license to operate ham equipment? The guy who is malintended will buy it anyway. The good guy doesn't need to be told. The salesman has no reason to say anything, except his good will. Or maybe it will be wise to run a 7-days check on you, before you are allowed to buy a HT, an even more thorough one, for HF rigs. Then you can extend that to cars (I think more people are killed in car accidents than by any other cause, but I am not very sure about it), knives, wood logs, metallic pens, rope, chainsaws (they too can kill), and (why not) baseball bats.

Remember folks, some of your ancestors fought for FREEDOM. What are *YOU* fighting for?

Best 73 de SV1CEC

John Caradimas

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+-----+
| John Caradimas (SV1CEC)           Greek Radio Amateur Station |
+-----+
| AX-25 Address      : SV1CEC@SV1UY.ATH.GRC.EU                    |
| TCP/IP Address     : sv1cec@sv1cec.ampr.org                     |
| Internet Address   : sv1cec@athnet.ath.forthnet.gr (home)      |
|                   : jcaradim@gr.oracle.com (office)            |
| Mail Address       : P.O. Box 31689, 10035, Athens, GREECE      |
+-----+
| CQ Zone : 20          Locator : KM17UX          ITU Zone : 28 |
+-----+
| DISCLAIMER : The opinions expressed above, are strictly of    |
|              my own, not representing anybody else.           |
+-----+
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Date: 11 May 94 15:53:06 GMT
From: news-mail-gateway@ucsd.edu
Subject: Code test speeds
To: ham-policy@ucsd.edu

Excerpt from latest Newsline number 873...

> The biggest news out of Dayton involves a plan being hatched by
> amateur radio equipment manufacturers and magazine publishers.
> They want easier licensing requirements for access to HF spectrum.
> Amateur Radio Industry Group members say the 13 word per minute
> Morse Code requirement for HF access should be lowered to 10 words
> a minute and they plan to work toward that goal. At their April
> 28th meeting, group members discussed the plan, including
> petitioning the Federal Communications Commission. Giving advice
> to the group is former FCC official Ray Kowalski. He tells group
> members the timing for such a move is excellent, since
> Washington's political climate is so heavily geared toward
> emerging technologies.
>
> "What's good for amateur radio is good for America. This is
> where the technicians and the bright young minds get their start.
> This is the fertile ground where they are planted. And if we
> don't nurture that and keep it growing and going, comes the next
> time we need engineers maybe we will rent them from Taiwan or some
> place, we will not have them home grown." Ray Kowalski, former
> FCC official.

I think maybe it should just go:

Novice/Tech Plus (element 1A)	5 WPM
General/Advanced (element 1B)	10 WPM
Extra (element 1C)	15 WPM

IF 1B is the only one adjusted, we'll have to go through it all again on extra at a later date, so let's get it all in the same proceedings.

If you change it to a single speed, then those who have "higher" credit will be really ticked off. For now we keep the multiple speeds.

In the future, probably the extra code test would merge with the general/advanced code test first...and then eventually a single speed test would emerge if the test isn't dropped altogether.

73, bill wb9ivr

Date: Mon, 9 May 1994 23:12:44 GMT
From: ihnp4.ucsd.edu!pacbell.com!sgiblab!sdd.hp.com!usc!howland.reston.ans.net!
europa.eng.gtefsd.com!news.umbc.edu!eff!news.kei.com!world!drt@network.ucsd.edu
Subject: Music allowed on ham bands??
To: ham-policy@ucsd.edu

howie cahn (howi@world.std.com) wrote:

: Section 97.113(a)(4) says:
: "No amateur shall transmit:
: ...
: Music using a phone emission except as specifically provided elsewhere in
: this Section."

: My layman's reading of this says that therefore it's perfectly legal to
: send digitally encoded music, i.e. not a phone emission, as long as
: you're using an accepted coding and it's part of a two-way QSO.

The problem here is that the definition of "phone" includes "speech and
other sounds" transmitted with a whole host of encoding schemes.
If you're faxing sheet music, you're in the clear, but digitally encoded
music (the sound) is a phone emission.

: Similarly, 97.113(a)(4) also says:
: "No amateur shall transmit:
: ... obscene or indecent words or language."

: This says to me that images are not covered here. In that case obscenity
: would only be covered by the Constitution and applicable Federal and local
: laws. That would allow you to transmit, say, a GIF of a Playboy-style
: photo, since they are not considered obscene under general law.

: Let me add that I'm not advocating or planning to do either; I was just
: wondering if my interpretations are correct.

Well, maybe technically you have something here, but try sending
centerfolds and that rule will either be interpreted to include image
and/or they'll amend the rule. Clearly, your example violates the
spirit of the rule. And you didn't need to wait for GIF formats to
be able to do this.

(Imagine the feathers flying when some live wire starts transmitting
SSTV images of the latest Penthouse models to some parts of the Muslim
world. Why not? After all, that magazine's in short supply over
there. That'd just do wonders for international good will!)

-drt

David R. Tucker KG2S 8P9CL drt@world.std.com

Date: Tue, 10 May 1994 23:37:56 GMT
From: ihnp4.ucsd.edu!news.cerf.net!pagesat.net!netsys!tyrell.net!
randyr@network.ucsd.edu
Subject: Music allowed on ham bands??
To: ham-policy@ucsd.edu

In article <CpK5tA.7vu@world.std.com>, David R Tucker wrote:
> howie cahn (howi@world.std.com) wrote:
>
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> The problem here is that the definition of "phone" includes "speech and
> other sounds" transmitted with a whole host of encoding schemes.
> If you're faxing sheet music, you're in the clear, but digitally encoded
> music (the sound) is a phone emission.
>

This is true David, however, it is legal to send a computer program over
the air that contains music. For instance, I could send you an Adlib
file of Brahm's Piano Concerto #432 in Q Flat so you could use it on your
end. Therefore, the same would be true of my sending the raw data off of
my CD player for you to save and convert over later. I would not be
violating the FCC, but would be in real big trouble for copyright
violations.

Randy

Randy Rathbun | randyr@tyrell.net | I never had a pet. I figure I have
NV0U@N00EV.#NWMO.MO.USA.NA | enough stupid friends as it is.
Send email for PGP public key | - Quentin Crisp

Date: Wed, 11 May 1994 15:25:07 GMT
From: world!drt@uunet.uu.net
To: ham-policy@ucsd.edu

References <CpE101.n57@world.std.com>, <CpK5tA.7vu@world.std.com>,
<4p0qj4xQ50GV055yn@tyrell.net>.n
Subject : Re: Music allowed on ham bands??

Randy Rathbun (randyr@tyrell.net) wrote:
: In article <CpK5tA.7vu@world.std.com>, David R Tucker wrote:
: > howie cahn (howi@world.std.com) wrote:
: >
: > : Section 97.113(a)(4) says:
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: This is true David, however, it is legal to send a computer program over
: the air that contains music.

How do you know this, BTW? It seems the word "contains" (rather than
"is") is critical.

: For instance, I could send you an Adlib
: file of Brahms's Piano Concerto #432 in G Flat so you could use it on your
: end. Therefore, the same would be true of my sending the raw data off of
: my CD player for you to save and convert over later. I would not be
: violating the FCC, but would be in real big trouble for copyright
: violations.

(I'm sure you'll procure rights before you do anything of the sort :-)

Maybe I misunderstand. What if, instead, you converted that raw data
to audio in real time? Would that "contain" music, or would that "be"
music? It seems to me the question is whether what you are sending

contains music or sound information, regardless of encoding. If so, it's not clear it qualifies as a data emission, even if you're still sending it "bit by bit" (how else could you send digitized information?).

Imagine - analog radios are out, antique, dinosaurs. Your rig looks the same, but the emission is digitized audio. If you hold your mike up to the local headbanger station and key up (one day someone will, bet on it), you're transmitting music. But the emission could sound a lot like you're just transmitting a raw data. Because you're doing both.

Pretty gray, isn't it? If you take data bits off your CD, send them to me, and I play them on my audio system, you're transmitting music, we can agree, and that's not legal, even if someone with an analog receiver couldn't tell (maybe F2E emission?) Your transmission is digital rather than analog (say F3E), but that makes no difference. If, instead, you send them into my computer where they're stored until later, well, that looks like any other data transmission. Perfectly kosher - you're just transmitting a file like any other (well, that's the question, isn't it? Isn't it unlike most others in that the information is sound, and not only sound, but music?).

But the transmission could be exactly the same in each case, could it not? In fact, one person could be storing the file, and another playing the tunes, at the same time, right?

The ol' FCC rule book is no help. It says you can send commands to remote synthesizers (I guess commands aren't really encoded audio, are they? Or are they?), as long as not "actual music is played on the air." What're the definitions of the technical terms "actual music" and "played"? Transmission of sound? They don't tell you.

There seems to be a difference to me (perhaps that ability to recover the audio in real time is the crucial factor?), but maybe the line has grown too thin to enforce. Still, the *information* being transmitted is sound, is it not, and technically that makes it a phone emission. And I don't think doing away with the music prohibition is a very good idea, although it may be a while before anyone really cares about the digitized stuff, since it's too new.

(You know those optical illusions like the one that looks like a cup when looked at one way, and two people facing each other the other way? Or how the Canadian flag looks either like a Maple Leaf, *or* like two people forehead-to-forehead, but not both at the same time? Or particle-wave duality? I get that feeling when I think about this. Is it raw data, or sound that's been digitized? It depends on what you're looking for when you look at it, not really on what it "really"

is. It's sort of both.)

-drt

David R. Tucker KG2S 8P9CL drt@world.std.com

Date: 11 May 94 13:10:59 -0500
From: yale.edu!noc.near.net!news.tufts.edu!news.hnrc.tufts.edu!jerry@yale.arpa
To: ham-policy@ucsd.edu

References <CpK5tA.7vu@world.std.com>, <4p0qj4xQ50GV055yn@tyrell.net>,
<Cpn9Hw.Jxq@world.std.com>du
Subject : Re: Music allowed on ham bands??

In article <Cpn9Hw.Jxq@world.std.com>, drt@world.std.com (David R Tucker) writes:

> Randy Rathbun (randyr@tyrell.net) wrote:
> : In article <CpK5tA.7vu@world.std.com>, David R Tucker wrote:
> : > howie cahn (howi@world.std.com) wrote:
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[long discussion of what might and might not be legal, including encoded music
that doesn't sound like music]

I am not a lawyer, and Robert Bork's failure to get appointed to the Supreme
Court may mean that my point of view is completely out of touch, but where the
law is ambiguous, it's hard to do better than go back to the original intent
of the regulation. In this case, it was that the Amateur Radio Service not
become another broadcast entertainment medium. So I would tend to measure
hypotheticals against this standard.

Just my \$0.02, which isn't much in 1994 \$'s.

End of Ham-Policy Digest V94 #200
